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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,991	03/22/2001	Yogin Eon Campbell	M-9973 US	7625

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EXAMINER

OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/816,991	CAMPBELL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ramy M Osman	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 36 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The functionality of addition or deletion of a user, and how it fits into the invention has not been explained. There is no mention of how adding a user is to be executed. For example, there is no mention of a database storing a list of all users, where users can be added or deleted.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 61 and 62 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.. “Volatile data’ and ‘non-volatile data’ are not fully explained. It is known that memory can have the characteristics of volatile or non-volatile, but the claims do not explain how ‘data’ is volatile or non-volatile. It is not explained whether the data is meant to be given protection rights as read-only, or is the data to be placed in a memory storage that is read-only-memory.

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5. Claims 38-54 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. References to a 'plan', 'master plan', 'optimal plan', 'risk analysis', 'tornado analysis', 'gating analysis', 'scenario', and 'master scenario' have not been clearly defined in the claims. They will be treated as request documents.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-8,27-30 and 54-62 rejected under 35 U.S.C. 102(e) as being anticipated by Fortune (US Patent No 6,704,776).

8. In reference to claims 1,5,55,57,59,60,61 and 62, Fortune teaches a method for a client system to exchange data with an application server running a decision optimization engine (Abstract), comprising:

generating a request document at the client system having one or more request child elements, wherein at least one of the request child elements comprises a command to the

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decision optimization engine (Summary, column 4 lines 5-40, column 6 lines 15-45, column 7 lines 10-48 and column 8 lines 1-25);

sending the request document to the application server (Summary, column 3 lines 1-37 and column 7 lines 12-50); and

receiving a response document from the application server, wherein the response document was generated by the decision optimization engine and comprises one or more response child elements (Summary, column 3 lines 1-37 and column 8 lines 24-67)

9. In reference to claims 2,6,56 and 58, Fortune teaches a method of claim 1, wherein at least one of the response child elements corresponds to at least one of the request child elements (column 8 lines 24-67 and column 9 lines 1-50)

10. In reference to claims 3,4,7 and 8, Fortune teaches a method of claim 1, wherein the request and response document is an Extensible Markup Language (XML) document (column 8 lines 35-67 and column 9 lines 35-60)

11. In reference to claim 23,27-30 and 38-54, Fortune teaches wherein the commands element comprises at least one commands child element instructing the application server to perform a data analysis; risk analysis; product analysis; components analysis; tornado analysis. (Summary and column 8 line 35 – column 9 line 67).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 9-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune (US Patent No 6,704,776) in view of Borella et al (US Patent No 6,587,433).

14. Fortune teaches request elements. Fortune fails to explicitly teach wherein one of the request elements comprise a credentials element, a first credentials child element, a second credentials child element, a third credentials child element, organization element, enterprise element, username element, password element. However, Borella teaches server request with authentication elements such as client ID, user name and password. (column 2 lines 45-55 and column 7 lines 5-35)

It would have been obvious for one of ordinary skill in the art to modify Fortune by making the request elements contain client ID, username and password as per the teachings of Borella so as to enforce request authentication.

15. Claims 15-18,19-22,24-26,31-35 and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune (US Patent No 6,704,776) in view of Friedman et al (US Patent No 6,557,040).

16. In reference to claims 15-18, Fortune teaches a command to an optimization engine. Fortune fails to explicitly teach wherein the commands element comprises at least one

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commands child element instructing the application server to perform at least one of creating a scenario, deleting a scenario, renaming a scenario, copying a scenario, downloading a scenario, updating a scenario, or modifying a scenario; retrieve a scenario; retrieve a master scenario; set a master scenario. However, Friedman teaches request-response protocol client-server interaction by requesting create, delete, copy, retrieve, put of documents. (column 1 line 58 – column 2 line 25, Summary and column 8 line 47 – column line 60)

It would have been obvious for one of ordinary skill in the art to modify Fortune making the command elements comprise create, delete, copy, retrieve, put of documents as per the teachings of Friedman for implementing requests in accordance with request-response protocol.

17. In reference to claims 19-22, 31-35 and 37, Fortune teaches a command to an optimization engine. Fortune fails to explicitly teach wherein the commands element comprises at least one commands child element instructing the application server to perform at least one of creating a plan, deleting a plan, renaming a plan, copying a plan, downloading a plan, updating a plan, or modifying a plan; retrieve a plan; retrieve a master plan; set a master plan; create optimal plan; regenerate optimal plan; abort optimal plan; load data for analysis; extract source data. However, Friedman teaches request-response protocol client-server interaction by requesting create, delete, copy, retrieve, put of documents. (column 1 line 58 – column 2 line 25, Summary and column 8 line 47 – column line 60)

It would have been obvious for one of ordinary skill in the art to modify Fortune making the command elements comprise create, delete, copy, retrieve, put of documents as per the teachings of Friedman for implementing requests in accordance with request-response protocol.

18. In reference to claims 24-26, Fortune teaches wherein the commans element comprises at least one commands child element instructing the application server to perform a data analysis.

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Fortune fails to explicitly teach regenerate data analysis; retrieve data analysis; deleting analysis. However, Friedman teaches request-response protocol client-server interaction by requesting create, delete, copy, retrieve, put of data. (column 1 line 58 – column 2 line 25, Summary and column 8 line 47 – column line 60)

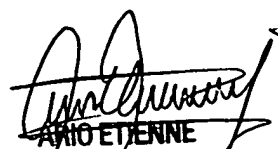
It would have been obvious for one of ordinary skill in the art to modify Fortune making the command elements comprise create, delete, copy, retrieve for data analysis as per the teachings of Friedman for implementing requests in accordance with request-response protocol.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
September 22, 2004

  
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